

Exhibit A to Ordinance 2008-14
City Code Section 9-2-8

Regulation of Sign Walkers

The following provisions are hereby enacted as Section 9-2-8 of the Sedona City Code:

A. *Purpose and Intent.* As set forth in the Sedona Community Plan, the City of Sedona maintains a vision of a city that is constantly vigilant over the preservation of its natural beauty, scenic vistas, pristine environment and cultural heritage, while at the same time being a city that fosters and enhances a strong and vital economy, which preserves existing lifestyles without exploiting the natural beauty. In 2008, the Arizona State Legislature enacted A.R.S. § 9- 499.13, which provided that all municipalities shall allow posting display and use of sign walkers but that they may also adopt reasonable time, place and manner restrictions. Therefore, in order to respect this legislative mandate while at the same time preserving the beauty, scenic vistas and pristine environment of the city and to avoid a proliferation of such signs thereby causing undue obstruction of traffic and pedestrians, the following reasonable restrictions on sign walkers are imposed. The provisions of this article are intended to comply with the mandate of this legislation, while at the same time promoting legitimate governmental goals and concerns as previously set forth in the Sedona Community Plan. Specifically, these provisions are designed to further insure that sign walker activity does not interfere with traffic and pedestrian safety, nor does it obscure the scenic beauty of Sedona's streets and highways. The ordinance as set forth in this section is directed solely to the regulation of the time, place and manner of certain limited forms of commercial speech with the general goal of insuring safe unobstructed highways free from significant distractions to the motoring public in critical areas.

B. *Definition.*

1. A "sign walker" means a person who wears, holds, or balances a sign in order to convey a commercial message.
2. Commercial message means a message conveyed by a signwalker that is solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including, but not limited to offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction.
3. Business means any individual or for-profit corporation or partnership engaged in a commercial activity designed to produce income or profit.

C. Specific Prohibitions and Appropriate Conduct For Sign Walkers.

In addition to the provisions of any other applicable term of this article, it shall be considered unlawful and a violation of this article for a sign walker to:

- i. Engage in any form of sign walking activity without having first obtained a temporary Sign Walker permit from the City of Sedona Community Development Department.
- ii. Interfere with or obstruct the free passage of any pedestrian on any street or sidewalk or obstruct or otherwise impede the free movement of any person or their access to or from any public street or sidewalk. Sign walkers shall yield the right of way to pedestrians, bicycles and all others traveling or located on the sidewalks.
- iii. Throw, place or deposit any solid waste, litter, paper, **or handing out** documents or handbills on any street or sidewalk or **public or private place**;
- iv. Intentionally inflict emotional distress by verbal or physical harassment or coercion on any person;
- v. Misrepresent in any way the price, quality or nature of the product being promoted;
- vi. Misrepresent the source or sponsor of any information offered or provided;
- vii. Use or display a sign that is not in conformity with the height and design requirements as set forth in sub-section D;
- viii. Use or display a sign in an area other than the areas designated for such activity as set forth in sub-section E & F.

Sign Walkers shall conduct themselves in accordance with the following standards:

- ix. No sign walker shall touch a person without consent during a solicitation;
- ix. No sign walker shall verbally solicit, hawk or call out to any pedestrian or to an occupant of a vehicle on a public street, whether the vehicle is moving, stopped, or parked;
- x. No sign walker shall throw, toss, spin or otherwise maneuver a sign while displaying it.

D. *Height and Size Requirements.* Sign walker signs shall not exceed ~~twelve (12)~~ eight (8) feet in height **when held or in place**. Total sign area per sign walker shall not exceed eight (8) square feet of sign area.

E. *Location Requirements.* Sign walkers shall only be located as follows:

1. A minimum of thirty (30) feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
2. At grade level, which shall mean the elevation at the location of the sign walker.
3. **Shall only be located on** private property that the use, activity, business, sale or advertising is being conducted **with the property owner's or property manager's written approval.**

F. *Prohibited Locations.* Sign walkers shall not be located:

1. In raised or painted medians.
2. In parking aisles or stalls.
3. In driving lanes.
4. On public or multi-use trails.
5. On fences, walls, boulders, planters, other signs, vehicles, utility facilities, or any other structure.
6. Within twenty (20) feet from any other sign walker.
7. Within fifteen-hundred (1500) feet of any Roundabout.
8. Within any City of Sedona or ADOT public right-of-way.
9. Within the Sedona Business District **as referenced by Exhibit A.**
10. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.

G. *Display of Signs.* Signs shall be held, worn, or balanced at all times by the sign walker, and displayed only during the hours the business or use advertised is open to conduct such business.

H. *Prohibitions.* The following shall be prohibited:

1. Any form of illumination, including flashing, blinking, or rotating lights.
2. Animation on the sign itself.
3. Spinning, waving, throwing the sign in the air or any other such erratic movement intended to attract attention.
4. Violation by the sign walkers of City Code Article 9, section 9-2-9-D (Off-Premises Canvassing).

I. *Permit requirements.* Each business or commercial location conducting sign walker activity shall have a permit issued by the Department of Community Development subject to the following standards.

1. No more than two (2) sign walkers per business location.
2. Each business shall be allowed four (4) sign walker permits per calendar year, not to exceed ten (10) consecutive days per each permit.
3. Sign walker permits shall only be issued for business uses that are located within the Sedona city limits.

4. Each Sign Walker permit will be subject to a \$150.00 permit

J. Exemptions

1. Political or non-commercial messages
2. Special Events that are issued Temporary Use Permits by the Department of Community Development